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*Nissan Motor Acceptance Company LLC*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

<p>SUPERB MOTORS INC. <i>et. al.</i>,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">- against -</p> <p>ANTHONY DEO <i>et. al.</i>,</p> <p style="text-align: right;">Defendants.</p>
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Case No.: 2:23-cv-6188 (JMW)

**DECLARATION OF GREGORY BROWN**

Gregory Brown, pursuant to 28 U.S.C. § 1746, states the following:

1. I am the Manager of Special Credit of Nissan Motor Acceptance Company LLC (“NMAC”) and make this statement in support of NMAC’s application to intervene and be heard in these proceedings. I make this declaration based on personal knowledge and NMAC’s books and records.

2. A true and correct copy of the Automotive Wholesale Financing and Security Agreement between NMAC and non-party Team Imports LLC (“Dealer”) dated February 10, 2021 (the “Wholesale Agreement”) is annexed hereto as **Exhibit 1**.

3. A true and correct copy of the Capital Loan and Security Agreement between NMAC and Dealer dated February 10, 2021 (the “Capital Loan Agreement”) is annexed hereto as **Exhibit 2**.

4. A true and correct copy of the First Amended and Restated Cross-Guaranty Cross-Collateral and Cross-Default Agreement between plaintiff Superb Motors Inc. (“Superb”), Team Auto Group LLC (“Team Group”), Dealer, and Team Nissan, Inc. (“Team Nissan”) (collectively, “Borrowers”) and NMAC, and as guaranteed by Urrutia, dated November 11, 2022 (the “Cross-Collateralization Agreement”) is annexed hereto as **Exhibit 3**.

5. A true and correct copy of the Possession and Surrender Agreement between NMAC and Dealer, and as guaranteed by Urrutia, dated January 2, 2025 (the “Surrender Agreement”) is annexed hereto as **Exhibit 4**.

6. The Surrender Agreement annexes Schedule C which identifies twenty (24) vehicles that were subject to a certain preliminary injunction dated September 29, 2023 entered in the above-captioned action (the “Surrendered Vehicles”).<sup>1</sup> **Exhibit 4**, Surrender Agreement at Recital ¶ C.

7. With the exception of the vehicle identified on Schedule C with vehicle identification number ZARFAEDN3J7575105 all of the vehicles were added to, and

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<sup>1</sup> The Surrender Agreement, together with the Wholesale Agreement, Capital Loan Agreement, and Cross-Collateralization Agreement, the “Agreements.”

secured under, NMAC's floor plan prior to the issuance of the Injunction. See Schedule A annexed hereto.

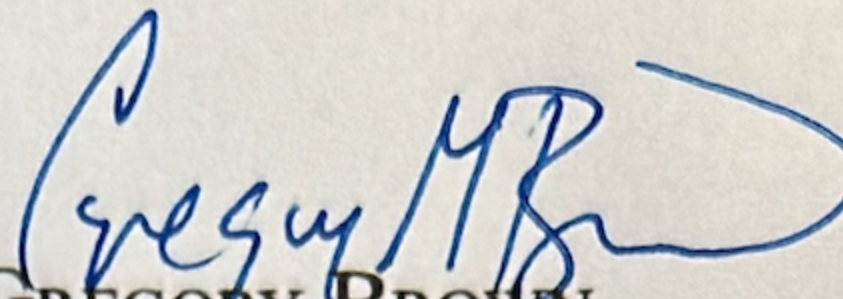
8. Dealer's total indebtedness owed to NMAC (the "Debt") under the Wholesale Agreement and Capital Loan Agreement, secured in part by the Surrendered Vehicles, and cross-collateralized by Borrowers (as defined in the Cross-Collateralization Agreement), includes the following sums:

Total Floorplan Due (minus Suspense)	\$ 3,863,176.54
Total Term Loans (through February 28, 2025)	\$ 254,786.58
Floorplan Charges (through November 30, 2024)	\$ 332,749.11
NESNA Advance (through February 28, 2025)	\$ 195,332.00
Estimate Contractor Cost @ 50% (as of February 28, 2025)	\$ 105,435.88
<b>Net Due NMAC</b>	<b>\$ 4,556,148.11</b>



9. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 7, 2025

  
GREGORY BROWN

NMAC Manager Special  
Credit

**Schedule A**

**Number Vehicle Identification Number Floor Date**

1.	WBA2H9C36HV986948	9/8/2023
2.	ZAM57YTA4K1314330	9/8/2023
3.	WDDJK7DA4JF052861	9/8/2023
4.	WBA4E5C59HG188797	9/8/2023
5.	55SWF4KB5GU101091	9/15/2023
6.	W1K7X6BB7LA016406	9/15/2023
7.	SALGS2RE3KA519794	9/8/2023
8.	ASALYB2EX4KA782114	
9.	WP0AF2A74GL082172	9/8/2023
10.	WBAJB1C53KB375171	9/8/2023
11.	A1C4RDHDG7JC438967	
12.	WBXHT3C59K5L90009	9/15/2023
13.	ZARFAEDN3J7575105	10/26/2023
14.	5UXWX9C50H0T04666	9/15/2023
15.	1FATP8UH1K5152260	9/15/2023
16.	WBXHT3C57K5L90705	9/8/2023
17.	ZASPAKBN5L7C91095	9/8/2023
18.	5N1DL0MM6LC528999	9/8/2023
19.	WDD7X8KB7KA001866	9/15/2023
20.	2C3CDXHG6MH531592	9/15/2023
21.	2C3CDXHG1MH505823	9/15/2023
22.	ZN661XUAXHX252844	9/15/2023
23.	SALWR2RV8JA189351	9/15/2023
24.	JTJBARBZ9J21	9/15/2023
25.	WBA7F2C5XJB238313	9/15/2023